

to said cells or tissues critical to pollen formation <sup>or</sup> of function in said genetically transformed female parent plant. D

3. (Twice Amended) A method to produce hybrid seed with restored male fertility comprising the steps of:

- (a) inserting into the genome of a plant cell of a [said] pollen producing plant a gene which confers on said plant resistance to [a chemical agent or physiological stress] an herbicide or antibiotic, and linked to said gene a recombinant DNA molecule comprising:
  - (i) a DNA sequence which codes for a cytotoxic molecule; and
  - (ii) a promoter capable of regulating the transcription of said DNA sequence in cells or tissues critical to pollen formation or function; [and
  - (iii) a terminator sequence which defines a termination signal during transcription of such DNA sequence;]
- (b) obtaining a transformed plant cell;
- (c) regenerating from said plant cell a genetically transformed plant which is male sterile;
- (d) increasing the number of genetically transformed plants by:
  - (i) crossing the genetically transformed plant described in step (c) above with a suitable male fertile plant;
  - (ii) using [a chemical agent or physiological stress] an herbicide or antibiotic to eliminate plants which do not contain the genes described in step (a) [above] among plants grown from seed produced by such cross; and
  - (iii) repeating such a cross over several generations with the plants obtained as in step (d)(ii) above in the presence of said [chemical agent or physiological stress] herbicide or antibiotic to increase the numbers of male sterile plants;

- (e) inserting into a plant cell of a suitable male fertile plant selected from the same species a gene which confers on said plant resistance to [a chemical agent or physiological stress] an herbicide or antibiotic and linked to said gene a recombinant DNA molecule comprising:
  - (i) a DNA sequence which codes for RNA that is complementary to the RNA sequence coding for said cytotoxic molecule; and
  - (ii) a promoter which causes transcription of the DNA sequence defined in step (e)(i) above at or about the time of transcription of the DNA sequence defined in step (a)(i);
  - [(iii) a terminator sequence which defines a termination signal during transcription of the DNA sequence described in step (e)(i) above;]
- (f) obtaining a transformed plant cell from step (d);
- (g) regenerating from said transformed plant cell described in step (d) above a genetically transformed male fertile plant; and
- (h) producing a restorer line by:
  - (i) selfing the genetically transformed plant described in (g) and selecting from that selfing progeny, a plant homozygous for the male restorer trait;
  - (ii) permitting self-fertilization of said plant homozygous for the male restorer trait;
  - (iii) growing seed of said plant, over a number of generations to increase the number of genetically transformed plants; and
  - (iv) effecting a hybrid cross by pollinating said male sterile plants with pollen from said genetically transformed male fertile plants.

4. (Twice Amended) A method of producing hybrid seed with restored male fertility comprising the steps of:

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- cont.
- (a) (i) inserting into the genome of a plant cell of a [said] plant that is capable of regeneration into a differentiated whole plant, a sense gene<sup>1</sup> and linked to this a recombinant DNA molecule comprising:
    - A. a DNA sequence that when transcribed and translated codes for a cytotoxic molecule or a molecule which breaks down a substance into a cytotoxic molecule; and
    - B. a promoter capable of regulating the transcription of said DNA sequence into RNA at or about the time of the transcription of the sense gene in cells or tissues critical to pollen formation or function; [and
    - C. a terminator sequence which defines a termination signal during transcription of said DNA sequence:]
  - (ii) obtaining a transformed plant cell of said plant; and
  - (iii) regenerating from said plant cell a plant which is genetically transformed with said DNA sequences described in (a)(i) above and is male ~~sterile~~; and
  - (b) increasing the number of genetically transformed male sterile plants by:
    - (i) clonal propagation of said genetically transformed male sterile plant described in step (a) using tissue explants thereof, or other *in vitro* propagation techniques; or
    - (ii) A. crossing the genetically transformed male sterile plant described in (a) with a isogeneic male fertile plant;

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- B. using [a chemical agent or physiological stress] an herbicide or antibiotic (i) amongst plants grown from seed produced by such cross; and
- C. repeating such cross over several generations with plants obtained in step (a)(iii) above in the presence of said [chemical agent or physiological stress] herbicide or antibiotic to increase the numbers of male sterile plants;
- (c) producing a male fertile restorer plant by:
- (i) inserting into the genome of a plant cell of a suitable male parent plant that is capable of regeneration into a differentiated whole plant a gene that confers resistance to [a chemical agent or a naturally occurring or artificially induced physiological stress] an herbicide or antibiotic, linked to a recombinant DNA sequence comprising:
- A. a gene that codes for a molecule that negates the disruption caused to cells or tissues critical to pollen formation or function in said genetically transformed female parent plant; and
- B. a promoter that functions in said cells or tissues critical to pollen formation or function to cause transcription of said gene into RNA at or about the time that the sense gene described in (a)(i) is active; [and
- C. a terminator sequence which defines a termination signal during transcription of said DNA sequence;]
- (d) increasing the number of genetically transformed male fertile restorer plants by:

- (i) ~~selfing~~ the genetically transformed plant carrying the restorer trait described in (c), and selecting a plant homozygous for the restorer trait and increasing said plant by selfing in isolation; or
- (ii) conducting anther or isolated microspore culture of the genetically transformed ~~plant~~ carrying the restorer trait described in (c) and selecting a plant homozygous for the restorer trait and increasing said plant by selfing in isolation[]; and
- (e) optionally effecting a hybrid cross by pollinating said male sterile plants described in (a) and increased in (b) in the presence of the chemical agent or physiological stress with pollen from male fertile restorer plants as described in (c) and increased in (d)].

In claim 5, section (a), line 1, kindly delete "said" and insert therefor --a--.

In claim 6, section (a), line 1, kindly delete "said" and insert therefor --a--.

In claim 11, line 2, kindly delete "expression" and insert therefor --transcription--.

Kindly add proposed new claims 12-16 as follows:

--12. The method of claim 4, further comprising the step of effecting a hybrid cross by pollinating said male sterile plants described in (a) and increased in (b) in the presence of the ~~chemical agent~~ <sup>herbicide</sup> or ~~physiological stress~~ <sup>antibiotic</sup> with pollen from male fertile restorer plants as described in (c) and increased in (d).

13. The method of claim 3, wherein said recombinant DNA molecule defined in step (a) further comprises a terminator sequence which defines a termination signal during transcription of the DNA sequence described in step (a)(i).

14. The method of claim 3, wherein said recombinant DNA molecule defined in step (e) further comprises a terminator sequence which defines a termination signal during transcription of the DNA sequence described in step (e)(i).